

**Minutes**  
**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**  
Regular meeting to be held in the Commissioners Meeting Room,  
Third Floor, Historic Courthouse,  
Boonville, Indiana  
December 27, 2021 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Mike Moesner, Chairman; Jeff Willis, Terry Dayvolt, Doris Horn, Paul Keller, and Mike Winge.

Also present was Morrie Doll, Attorney, Molly Barnhill, Executive Director, and Kim Kaiser, staff.

**MEMBERS ABSENT:** Jeff Valiant

**MINUTES:** Upon a motion made by Doris Horn and seconded by Mike Winge the Minutes of the last regular meeting held November 22, 2021 were approved as circulated.

Chairman Moesner explained the Rules of Procedure.

**SPECIAL USES:**

**BZA-SU-21-35**

**APPLICANT& OWNER:** Kevin M. Stiles

**PREMISES AFFECTED:** Property located on the east side of Kenwood Dr. approximately 360' south of the intersection formed by Kenwood Dr. and Woodland Dr., Lot No. 590 in South Broadview No. 5 Sec D Amended Plat, Ohio Twp. 5566 *Kenwood Dr.*

**NATURE OF THE CASE:** Applicant requests a Special Use, SU 12, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow 12'x20' 240 sq. ft. home occupation of an Internet-Based Firearm Sales in an "R-1A" One-Family Dwelling Zoning District. *Advertised in The Standard on December 16, 2021*

Kevin M. Stiles was present.

Chairman Moesner asked for a staff report.

Mrs. Barnhill stated we have all of the return receipts except three from Joseph and Julie Heerdink, Christopher and Michelle Childress, and Gary Price, which was returned to sender and the rest of them were mailed correctly. She said the existing land use is a single-family dwelling. She stated the surrounding zoning and land use in all directions is "R-1A" one-family dwelling with single-family residences being South Broadview Number 5 Section D Amended Plat. She stated there is no flood plain. She said they have an existing drive onto Kenwood Drive. She said the applicant's

statement says *This is a request to obtain a Special Use variance to use my home address in South Broadview Subdivision Lot 590, 5566 Kenwood Drive Newburgh, IN 47630 as a business address. This variance is a requirement of the Federal license application for which I am applying through the Federal Government. The business is assembling lower receivers for sale at trade shows or internet sales to other FFL dealers. My business motto is internet and trade show based. Very little inventory will be stored at my residence. This address will not be used as a point of retail sale nor will any signage associated with the business be displayed at or on the premises. This address will only be used as a business and shipping address for items shipped directly to me. It is my understanding that this type of business model is common in the Newburgh area and a few residences in Newburgh have such a business. Additionally as my business grows to one of a full time nature it is my intention to move the business to a separate location away from my home. Thank you for the opportunity to allow me to explain the operation and model of my pending business. Again, I respectfully request the necessary variance that will allow me to move forward with my internet and trade show business.*

Chairman Moesner asked if there was anything to add to the report, sir.

Kevin M. Stiles replied the only thing I would like to add is there will be some traffic into my home for picking up of firearms doing 4473's but as far as a retail business I will not have inventory to display nor do I have business hours that are retail hours like that.

Chairman Moesner stated okay.

Kevin M. Stiles said customers will come and pick up for sales or transfers from other FFL's.

Chairman Moesner asked for any questions from the Board.

Mike Winge asked ammunition.

Kevin M. Stiles replied none.

Mike Winge asked none.

Kevin M. Stiles responded none. He said no ammunition sales except for personal use.

Chairman Moesner asked will these be handguns as well as rifles and that type of thing.

Kevin M. Stiles replied yes, sir. He said handguns as well as rifles. He stated the assembly part of it is lower receivers, which will be stamped with the business name and address. He said whatever firearms would be transferred into me from other FFL dealers for non-licensee's to pick up and do a 4473.

Mike Winge asked are you dealing with repairs to or is this just....

Kevin M. Stiles responded no sir, no gunsmithing.

Mike Winge asked no gunsmithing this is just going to be you building them from scratch.

Kevin M. Stiles replied correct, well from kits, yes, sir.

Doris Horn asked and it will only be you.

Kevin M. Stiles responded yes, ma'am only me. He stated no heavy machinery, nothing like that.

Mrs. Barnhill stated the definition states it does not involve the sale of goods, equipment, or commodity on the premises. She asked so you are saying someone is going to come to pick up a what at your home.

Kevin M. Stiles stated if another dealer let's say another FFL in the state of Indiana or the state of Kentucky would transfer a firearm to me for a non-licensee then they could come to my home and we would do the 4473, which is the document and they would pick up the firearm from me.

Mike Winge stated they are required by law.

Morrie Doll stated they are required. He said they can't sell it and ship it they have to have another licensee deliver it personally to the buyer.

Mike Winge stated they can't go personally to somebody so he'll have to ....

Attorney Doll asked but you aren't selling them the guns.

Kevin M. Stiles replied no, sir. He said the only sales will be on the internet to other FFL's or at gun shows, trade shows.

Attorney Doll stated on the example you just gave to the Board, if a Kentucky licensee sells a gun over the internet to a Newburgh family then he would ship it to you and you would merely deliver it.

Kevin M. Stiles stated I would have the gun shipped to me then I would log it into my book and then when they came to pick it up I would run the 4473 background check to make sure that they are cleared and then transfer the firearm to them.

Attorney Doll asked but the sale actually occurs between the fellow in Kentucky in that example.

Kevin M. Stiles responded correct. He stated there would just be a small transfer fee that they would have to pay me.

Attorney Doll stated paperwork.

Kevin M. Stiles responded paperwork yes, sir it makes the world go around.

Chairman Moesner asked how long does the background check take.

Kevin M. Stiles replied approximately 15-20 minutes depending upon how busy they are. He stated they are very quick.

Chairman Moesner stated really.

Mike Winge said unless they are challenged.

Kevin M. Stiles replied yes. He stated if challenged or denied they may have to come back.

Mike Winge stated then they would have to wait until the next day.

Terry Dayvolt said according to your additional information here it looks like to me that you are applying now for the license correct.

Kevin M. Stiles stated I had my final meeting with the ATF last Thursday so when my zoning goes through then my license will go through.

Mike Winge stated they won't give him a license until he has this.

Attorney Doll said proper zoning is required.

Terry Dayvolt stated because I was wondering what happens if you do not get the license.

Mike Winge said he will get them, they won't turn him down.

Terry Dayvolt stated I understand that, I was just saying...

Attorney Doll said it is kind of like the chicken and the egg. He stated the Federal Government says he has to prove that he has the right zoning before they'll give him the license and your question is what if you don't get the license and we would like for you to have the license before we change the zoning and so unfortunately the Federal law trumps the local.

Multiple Board members said yes.

Terry Dayvolt stated but he has to have the local to get the federal.

Attorney Doll stated he does. He said the feds require him to demonstrate he has it properly zoned. He stated we have had several of these.

Terry Dayvolt replied I know but...

Mrs. Barnhill stated he has one year to establish the business or the Special Use is null and void.

After ascertaining there were no questions from the Board and no remonstrators for or against the proposal, Chairman Moesner called for a motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to no identifying or business sign being erected or placed on any site for which the SU 12 has been granted by the Board of Zoning Appeals.
3. Except for the shipment and receipt of goods, products or items necessary for the SU 12, the use shall not be visible from the exterior of the premises and no retail sales.
4. No person or persons may be employed in the SU 12 home occupations at site other than the resident (residents) of the site for which the SU 12 has been granted.
5. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.

The motion was seconded by Doris Horn and carried unanimously.

**VARIANCES:**

**BZA-V-21-33**

**APPLICANT & OWNER:** Ortez Ayala, LLC by Melvin Ortez, Member

**PREMISES AFFECTED:** Property located on the north side of High Pointe Dr. approximately 0' east of the intersection formed by Bell Rd. and High Pointe Dr. Ohio Twp. Lot No. 40 in High Pointe Center North Sec 2 Ph. 2 and Lot No. 1 in High Pointe Centre North Sec 4 PUD 8480 *High Pointe Dr.*

**NATURE OF THE CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: the construction of a 3,800 sq. ft. covered patio addition will be in the Lake Maintenance and Storm Detention Easement, in a “C-4” PUD General Commercial/Planned Unit Development Zoned District. *Advertised in The Standard on December 16, 2021*

Melvin Orteza and Jim Morley Jr, Project Manager were present.

Chairman Moesner asked for a staff report.

Mrs. Barnhill stated we have all of the return receipts from notice to the adjacent property owners. She said the existing land use is a restaurant. She stated to the east, south, and west are “C-4” General Commercial District is a strip mall and Walmart in Bellmoore Landing Section 2; Casey’s and vacant lots in High Pointe Centre North Section 2 Phase 2; and to the east is “PUD/C-4” with Subway in High Pointe Centre North Section 2 Phase 2 and to the north is “PUD/C-4” with a parking lot and “C-4” with Ciholas Properties in Martin Bell Subdivision. She stated there is some A flood plain but not where the patio addition is proposed. She said the existing drive is on High Pointe Drive. She added from 2008 until 2020 there have been six variances approved for various patio additions and a pedestrian bridge. She stated the Drainage Board approved this encroachment on November 22, 2021 with their hold harmless agreement of the Drainage Board. She said now the applicant is requesting to do a 3,800 square foot addition to the covered patio in a lake maintenance and storm detention easement. The applicant’s statement says *the applicant is requesting a variance to construct a 3,800 square foot covered patio addition to the existing covered patio attached to the Fiesta Acapulco Mexican Restaurant. The covered patio addition will be in the Lake Maintenance and Storm Detention Easement, in a C-4 PUD Zoning District.*

Chairman Moesner asked if there was anything to add to the report.

Jim Morley Jr stated I want to say that the patio seating is very popular and successful so we are just trying to expand that. He said you can see on what I passed out the kind of pink area is the area that we are re-platting. He stated the turquoise that is the proposed expansion. He stated as you can see it kind of sits in between two lakes and there are also some large trees back in that area so the reality of it is that it will become the most picturesque if you will of all of the patio expansions we have done so far. He said it will overlook a lake on both sides and also have trees in the area. He stated there are still some large trees back there. He said we are seeking this variance to expand that patio.

Chairman Moesner asked is it an open air patio.

Jim Morley Jr. replied yes.

Chairman Moesner asked for questions by the Board members.

Jim Morley Jr. stated for clarification there is...if you see this little square nub on the backside there, there will be an enclosed porch for a drink station. He said it gets to be too far for them to haul back in for refills and stuff.

Chairman Moesner responded I understand.

Jim Morley Jr. stated they will have a small conditioned space for the drink machine and chip refills and such. He said the patio where the folks are eating and stuff is open air.

Attorney Doll asked Jim, you can't modify the drainage detention lake that has been approved by the Drainage Board.

Jim Morley Jr. replied correct.

Attorney Doll asked the lake in the back is a natural lake.

Jim Morley Jr. replied no. He stated it is also a detention basin.

Attorney Doll responded okay. He asked and that was required previously.

Jim Morley Jr. replied yes.

Attorney Doll responded okay. He said so this represents the only conceivable area on the ground owned by the applicant where you could construct a patio of this size, right.

Jim Morley Jr. replied correct. He stated as we go this way we can't go any further north because of the northern pond and we can't go any further south because of the southern pond and we can't go any further west because there is a drainage easement there with a creek in it and we can't go any further east because there is a drain pipe there. He said we basically tried to max it out to what we can do. He stated the way the detention basins work... He said you all have eaten on the patio during a rain storm, I'm not sure if you have or not, but the patio stands on posts...

Attorney Doll stated pilings.

Jim Morley Jr. stated on pilings just like your patio at your house or a deck at your house. He said so when the water comes up the water is actually allowed to go underneath the building so to speak and therefore it doesn't take away any detention volume from the approved drainage plan.

Attorney Doll asked and it is necessary that the patio be structurally connected to the existing restaurant building for servers to be able to bring the food, drinks, and etcetera.

Jim Morley Jr. stated yes, we actually have to run fire sprinkler lines out there and such so they all get connected it is electrically connected. He said there will be hoses for the drink machines and stuff all connected.

Attorney Doll asked based upon your expertise this is the only conceivable place you can have a patio on this property.

Jim Morley Jr. replied yes, we are out of room for all the non-easement areas.

Mike Winge asked quick question; by there being so much water there in those retention ponds and stuff, are they on the soil compaction for the pilings that they are going to have to use for this.

Jim Morley Jr. stated the pilings don't work off of the soil compaction they work of a friction of pile and so the piling works that way verses bearing pressure in the bottom of the pile they are more of a friction based pile but as the water comes up...so today the pilings sit on dry land and on most rain storms the pilings sit on dry land.

Mike Winge stated I am just thinking about your connections in there.

Jim Morley Jr. stated oh yeah all of that hugs up underneath the bottom of the decking. He said the sprinkler system is up in the roof and then any other connections underneath are all hugged up on the bottom. He stated the majority of the electrical is up in the roof. He said the only thing we have a drain line coming through the bottom and they are just snugged up underneath there.

Mike Winge stated I am also thinking about the lifting up and down with the soil...you are saying that all is going to be consistent.

Jim Morley Jr. stated the water never gets to anything...well it gets to the post but the post itself is not buoyant enough to float so to speak and it never gets to the bottom side of the structure. He said for lack of a better term I guess if the water got to the bottom side of the structure it would be like a big raft and that might be kind of fun for the diners.

Mike Winge stated I am more concerned about the settling.

Jim Morley Jr. replied no.

Mike Winge asked so you wouldn't have any...

Jim Morley Jr. replied no, I don't have any concerns about that.

Mike Winge stated okay.

Terry Dayvolt asked Jim, what is the seating capacity for the bar and the restaurant as it is right now.

Jim Morley Jr. stated I don't know that off the top of my head but why are you asking.

Terry Dayvolt asked and what would the seating of the capacity be of this 3,800 square foot addition.



Jim Morley Jr. stated we are still working on the seating layout for the configuration of the tables. He said if you look at this map on here Melvin, the owner, he owns this lot here, everything in pink and this lot over here and so what we have been doing is to stay out ahead of the parking question. He stated I assume that is where you are going with this. He stated we actually keep building parking lots in advance of that. He said ultimately he doesn't want to add on a bunch of dining room tables and then nobody has anywhere to park so we keep staying out in advance of that parking to make sure that we have enough parking.

Terry Dayvolt stated I know that a lot of times Acapulco is...there is no place to park. He said unless you go down to the parking lot.

Jim Morley Jr. stated and for lack of a better term, the overflow parking and that the reality of that is when he bought that lot from Kenny Ubelhor a long time ago. He said if you remember that used to be up in the Apple Center and it has just been more successful than Melvin ever hoped that it would be so he has been buying up pieces of ground around him every chance he gets to put in another parking lot or whatever. He stated folks like it well enough they walk from the overflow parking lot.

Terry Dayvolt stated sure, I was just wondering if the parking was going to meet the capacity of the...

Jim Morley Jr. stated we will be okay there because we keep staying out in front of that to make sure we have what we need.

Terry Dayvolt responded okay.

After ascertaining there were no questions from the Board and no remonstrators for or against the proposal, Chairman Moesner called for a motion.

I, Terry Dayvolt, make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is situated on land and adjacent to existing patio.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
  - a) Subject to an Improvement Location Permit being obtained.
  - b) Subject to a Building Permit being obtained.
  - c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
  - d) Subject to all utility easement and facilities in place.
  - e) Subject to all conditions of BZA-V-08-21, BZA-V-08-30, BZA-V-11-26, BZA-V-12-25, BZA-V-17-11, and BZA-V-20-16.
  - f) Subject to the new Hold Harmless agreement.

The motion was seconded by Doris Horn and carried unanimously.

**BZA-V-21-34**

**APPLICANT & OWNER:** Thomas G. Koss

**OWNER OF EASEMENT:** Gwendolyn D. Graham

**PREMISES AFFECTED:** Property located on the south side of Grandriver Rd E approximately 280' west of the intersection formed by Grandriver Rd. E and Easy St. Ohio Twp. 5-7-9 10733 Grandriver Rd E

**NATURE OF THE CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for an unattached accessory building on property not having road frontage on a dedicated County maintained roadway with access by a 16' ingress/egress easement in an "A" Agricultural Zoning District.

Thomas Koss was present.

Chairman Moesner asked for a staff report.

Mrs. Barnhill stated this was advertised in The Standard on December 16, 2021. She said we have all but one of the return receipts for Gwendolyn Graham and we do have the white pay receipt and it was mailed correctly. She stated the existing land use is a single-family dwelling. She said the surrounding zoning and land use is to the north, east, and west are "A" Agricultural with single-family dwellings and to the south is the Ohio River. She stated the flood zone... a large amount is AE there is some that is not in there. She said they have an existing drive on the 16' ingress/egress easement. She said the applicant's statement says *they are wanting to build a pole barn and only have access by easement.*

Chairman Moesner asked if there was anything you want to add to the report, sir.

Thomas Koss replied no, sir.

Chairman Moesner asked so you go all of the way down to the river.

Thomas Koss responded yes, sir.

Chairman Moesner asked do you live in this area.

Thomas Koss replied yes, sir I do. He said I have lived there for 43 years and basically just want to replace an old storage shed that is falling down with another shed.

Attorney Doll asked is this road that you are going to use by easement to access the new storage shed.

Thomas Koss replied yes.

Attorney Doll asked will that also be the road for your residence.

Thomas Koss replied yes.

Attorney Doll asked how do you get to your residence currently.

Thomas Koss replied right now I go between the two houses on Grandriver Road through my right-of-way. He said I have been going through there for the last 43 years or more.

Attorney Doll responded okay.

Thomas Koss stated at one time it was recorded as my driveway and now it is not so we went through the process of getting a right-of-way road up through there.

Chairman Moesner asked so is this the same that we are talking about.

Thomas Koss responded yes.

Chairman Moesner asked so nothing has changed.

Thomas Koss replied nothing has changed.

Chairman Moesner stated just making it legal so to speak.

Attorney Doll asked so you are not building a new access road.

Thomas Koss replied no.

Attorney Doll asked how big of a building are you going to build.

Thomas Koss replied about a 24'x24'.

Attorney Doll asked like a two car garage.

Thomas Koss responded about that yes.

Attorney Doll asked and that is the only way you can get to your house or your new building.

Thomas Koss stated yes, that is my only access to the property.

Attorney Doll responded thank you.

After ascertaining there were no questions from the Board and no remonstrators for or against the proposal, Chairman Moesner called for a motion.

I, Paul Keller, make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is this is the only access to the property.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
  - a) Subject to an Improvement Location Permit being obtained.
  - b) Subject to a Building Permit being obtained.

- c) Subject to a Hold Harmless Agreement being executed and recorded.
- d) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- e) Subject to all utility easement and facilities in place.

The motion was seconded by Mike Winge and carried unanimously.

Mrs. Barnhill stated Mr. Koss we can have the approval ready next week and if you need a copy of a hold harmless to use we can get that to you too.

Thomas Koss replied okay.

Mrs. Barnhill stated just contact the office.

Thomas Koss replied okay.

Mrs. Barnhill stated we are closed Friday and Monday though.

Thomas Koss responded okay.

Chairman Moesner stated I have been advised that the next item on the agenda does not have the proper....if you would come up and...

Jillian Reed stated and do an update.

Chairman Moesner responded yes.

Jillian Reed stated my name is Jillian Reed and I am here on behalf of Krista Lockyear. She said unfortunately the notices were not appropriately sent out. She said we emailed requesting a continuance but they wanted to make sure that no one had in fact shown up. She stated I am not seeing anyone here for this matter and I didn't anticipate anyone being here since no notices have actually gone out. She stated so we anticipate this being on next month's agenda with proper notices.

Chairman Moesner responded okay.

Attorney Doll stated so we need to make a motion to table it until the following month.

Jillian Reed replied yes.

Mike Winge stated I make a motion that we table it.

Terry Dayvolt seconded the motion.

Chairman Moesner stated we have a motion and a seconded to table until the next meeting.

Mrs. Barnhill asked have we said what application this is.

Chairman Moesner said sorry, that was my mistake.

Mrs. Barnhill stated we did advertise it so somebody could have come. She said it was advertised.

**BZA-V-21-36**

**APPLICANT:** JR Promotions by Richard Sprague, Member

**OWNER:** John & Danielle Eggers

**PREMISES AFFECTED:** Property located on the west side of Dassel Dr. approximately 772' west of the intersection formed by Dassel Dr. and North Rd. Greer Twp. 18-4-9 *11155 Dassel Dr.*

**NATURE OF THE CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a 672 sq. ft. off premise advertising sign within the 75' minimum setback from a controlled access thoroughfare in a "C-4" General Commercial Zoning District. *Advertised in The Standard on December 16, 2021*

Chairman Moesner called for a motion.

Mike Winge stated I make a motion that we table BZA-V-21-36 until the next scheduled meeting.

The motion was seconded by Terry Dayvolt and unanimously carried.

Jillian Reed stated thank you so much and you all have a lovely new year.

Attorney Doll stated your notice needs to say...

Mrs. Barnhill stated so the next meeting is January 24, 2022 and they need to go out...

Jillian Reed asked 21 days before that correct.

Mrs. Barnhill replied yes, this Thursday.

Jillian Reed stated we have all of them ready to go with the green cards we just have to put them in the mail. She said we just wanted to make sure we had that new date and it was tabled.

Mrs. Barnhill asked do they have the new date on them.

Jillian Reed replied we have everything ready we just have to plug that new date in. She said we called already today to get the new date of when that meeting would be.

Mrs. Barnhill responded okay.

Jillian Reed responded thank you so much.

Chairman Moesner replied thank you. He asked do we have any attorney business.

**ATTORNEY BUSINESS:**

Attorney Doll stated none other than to say I have drafted the 2022-2023 contract to represent BZA and APC and have given it to Molly. He said at some point in time...I mean if the Board wants to make a change speak now or hold your peace I guess for two years.

Laughter from the Board members.

Attorney Doll stated your signature will be required on that as well Jeff's at an APC meeting.

Jeff Willis replied okay.

Chairman Moesner asked we probably need a motion then to accept the contract.

Attorney Doll stated it is identical... yes, sir.

Doris Horn made a motion to accept the contract for Morrie Doll to represent the Planning Commission and the BZA. The motion was seconded by Terry Dayvolt and unanimously carried.

Attorney Doll stated I appreciate it. He said it is exactly the same contract as we have not a word, comma, period the only thing that has been changed is the designation of the year. He stated it is a two year contract like we have done for the last several years.

Chairman Moesner responded okay, thank you Morrie.

Attorney Doll replied thank you.

**EXECUTIVE DIRECTOR BUSINESS:** None

Chairman Moesner called for a motion to adjourn.

Mike Winge made a motion to adjourn. The motion was seconded by Doris Horn. The motion carried unanimously and the meeting adjourned at 6:40 p.m.

---

Mike Moesner, Chairman

ATTEST:



The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held December 27, 2021.

---

Molly Barnhill, Executive Director